

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 27, 2019

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

UNITED STATES OF AMERICA,

No. 4:15-CR-6049-EFS-21

Plaintiff,

v.

**ORDER GRANTING IN PART THE
GOVERNMENT'S MOTION TO
EXTEND SENTENCING
DEADLINES**

MIGUEL REYES GARCIA,

Defendant.

USPO Action Required

Before the Court, without oral argument, is the Government's Motion for Extension of Time to File Sentencing Documents, ECF No. 1157, and related Motion to Expedite, ECF No. 1158. The Government requests an extension of the sentencing filing deadlines to March 11, 2019 and avers that Defendant's counsel, Kenneth Therrien, does not oppose this request. ECF No. 1157.

I. PROCEDURAL HISTORY

The Government filed the Second Superseding Indictment on December 6, 2016, charging Mr. Garcia with the following: Count 1, conspiracy to distribute 500 grams or more of methamphetamine, 5 kilograms or more of cocaine, 1 kilogram or more of heroin, and 400 grams or more of N-phenyl-N Propanamide, in violation of 21 U.S.C. § 841(a)(1), all in violation of 21 U.S.C. § 846. ECF No. 105. Defendant

1 plead guilty on October 10, 2018. ECF No. 993. Sentencing is set for March 20, 2019.
2 ECF No. 1105. On February 14, 2019, the U.S. Probation Office filed the Draft
3 Presentence Investigation Report. ECF No. 1130. On February 22, 2019, the Court
4 granted the Defendant's request for an extension of the sentencing filing deadlines.
5 *See* ECF Nos. 1136 & 1151.

6 The Government states that an extension of the sentencing filing deadline to
7 March 11, 2019 is needed because counsel for the Government, Stephanie Van
8 Marter, is in trial. ECF No. 1157. The deadline to file sentencing materials is
9 currently March 4, 2019. ECF No. 1151. The Defendant has no objection to the
10 Government's request for an extension. *Id.* However, the United States Probation
11 Office has informed the Court that this extension will make it impossible to meet
12 their deadline to file recommendations by March 12, 2019. The United States
13 Probation Office therefore requests an extension of their deadline as well.

14 II. CONTINUANCE GRANTED: AMENDED SENTENCING SCHEDULE

15 The Court is fully informed and grants the request for an extension, but only
16 in part. The United States Probation Office and the Court also need adequate time
17 to review the materials and prepare for the sentencing hearing. **Parties shall**
18 **submit all sentencing materials by no later than March 8, 2019. The Court**
19 **also extends the filing deadline for the United States Probation Office to**
20 **March 14, 2019.** Counsel and the U.S. Probation Office are expected to carefully
21 read and abide by this Order and such provisions of the prior Order Regarding
22 Schedule for Sentencing, ECF No. 994, that have not been superseded hereby.

IT IS HEREBY ORDERED:

1. The Government's Motion for an Extension of Time to File Sentencing Documents, **ECF No. 1157, is GRANTED.**
2. The Government's Motion to Expedite, **ECF No. 1158, is GRANTED.**
3. **Counsel** shall **COMMUNICATE IN WRITING** to the Probation Office any objections to the presentence investigation report by no later than **Friday, March 8, 2019.**
4. **Counsel** shall **FILE AND SERVE** all motions and memoranda pertaining to Defendant's sentence, including motions for downward or upward departures and/or variances, by no later than **Friday, March 8, 2019.**
5. **The U.S. Probation Office** shall file the finalized presentence investigation report and sentencing recommendations to the Court by no later than **Thursday, March 14, 2019.**

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and to provide copies to counsel and the U.S. Probation Office.

DATED this 27th day of February 2019.

s/Edward F. Shea
EDWARD F. SHEA
Senior United States District Judge